



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, JUNE 17, 2004
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CRM
(202) 514-2008
TDD (202) 514-1888

CIA CONTRACTOR INDICTED FOR ASSAULTING DETAINEE HELD AT U.S. BASE IN AFGHANISTAN

WASHINGTON, D.C. – Attorney General John Ashcroft, Assistant Attorney General Christopher A. Wray of the Criminal Division, and U.S. Attorney Frank D. Whitney of the Eastern District of North Carolina announced today that a federal grand jury in Raleigh, North Carolina, has indicted a North Carolina man for assaulting an Afghan detainee on a U.S. base in Afghanistan.

David A. Passaro, 38, a resident of Lillington, N.C., was named in a four-count indictment returned today in U.S. District Court in Raleigh, N.C. Passaro was arrested this morning in Fayetteville, N.C., and he is scheduled for an initial appearance before a federal magistrate judge in Raleigh today.

The indictment alleges that Passaro was working as a contractor on behalf of the Central Intelligence Agency, and that he was engaged in paramilitary activities in support of the U.S. military at a base in Kunar Province, Afghanistan, near the town of Asadabad. The base was called Asadabad Base.

The indictment further alleges that defendant Passaro and military personnel took into custody an Afghan man named Abdul Wali, who had surrendered himself at the front gate of the Asadabad Base. Wali was suspected of participating in rocket attacks on the base. Wali was placed in detention in a cell on the base.

The indictment further alleges that on June 19 and 20, 2003, Passaro interrogated Wali about the rocket attacks, and that during these interrogations Passaro beat Wali with his hands and feet and with a large flashlight. Wali died, it is alleged, on June 21, 2003, in his cell on the Asadabad Base.

“As President Bush has made clear, the United States will not tolerate criminal acts of brutality and violence against detainees such as those alleged in this indictment,” said Attorney General Ashcroft. “The types of illegal abuse detailed run counter to our values and our policies and are not representative of our men and women in the military and associated personnel serving honorably and admirably for the cause of freedom.”

“The criminal abuse of persons detained in the global war on terrorism will not be tolerated,” said Assistant Attorney General Wray. “The Department of Justice will move to punish those whose actions violate the rule of law. Such abuse violates the core principles of a free and just society.”

U.S. Attorney Frank Whitney added, “Once again we see evidence that the USA PATRIOT Act is a valuable tool for law enforcement. Not only is it vital to investigating and

prosecuting terrorists, but also it is instrumental in protecting the civil liberties of those on U.S. military installations and diplomatic missions overseas, regardless of their nationality.”

The USA PATRIOT Act of 2001 gives the United States jurisdiction in the Passaro case. In the wake of Sept. 11, 2001, the PATRIOT Act expanded the law enforcement powers of the United States and eased the challenges of prosecuting crimes and terrorist attacks abroad. Section 804 of the Act, later codified as 18 USC Section 7(9), provides jurisdiction over crimes committed by or against any U.S. national on lands or facilities designated for use by the United States government, such as the Asadabad Base.

The indictment charges Passaro with four counts. The first count charges that on June 19, 2003, he assaulted Wali with a dangerous weapon, namely, a large flashlight, with intent to do bodily harm to him, in violation of 18 USC Section 113 (a)(3).

The second count charges that on June 19, 2003, Passaro assaulted Wali and that such assault resulted in serious bodily injury to Wali, in violation of 18 USC Section 113 (a) (6).

The third count charges that on June 20, 2003, Passaro assaulted Wali with a dangerous weapon, namely, a large flashlight, with the intent to do bodily harm to him.

The fourth and last count charges that defendant Passaro assaulted Wali and such assault resulted in serious bodily harm. The maximum penalty for each of the four counts in the indictment is 10 years in prison and a \$250,000 fine.

This case was brought to the attention of the Department of Justice by the Central Intelligence Agency and investigated by the CIA’s Office of Inspector General. The case is being prosecuted by Assistant U.S. Attorney James Candelmo from the Eastern District of North Carolina, and by Assistant U.S. Attorney Michael P. Sullivan of the Criminal Division, U.S. Department of Justice.

An indictment is merely an accusation and the defendant is presumed innocent unless and until proven guilty.

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